

**Amendment No. 3 to HB1163**

**Buck  
Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1537**

**House Bill No. 1163\***

by deleting subdivision (6)(E) of §68-211-1102 in Section 1 and by substituting instead the following new language:

(E) who imports or exports covered devices into the United States for sale in this state; provided, however, that if a company from whom an importer purchases the covered devices has a presence or assets within the United States, that company shall be deemed to be the manufacturer.

AND FURTHER AMEND by deleting subdivision (10) of §68-211-1102 in Section 1 and by substituting instead the following new language:

(10) "Retail sales" means sales of products through sales outlets, via the Internet, mail order or any other means, whether or not the seller has a physical presence in this state. Sales include sales of new covered devices;

AND FURTHER AMEND by deleting subdivision (11) of §68-211-1102 in Section 1 and by substituting instead the following new language:

(11) "Retailer" means a person who owns or operates a business that sells new covered devices to a consumer, including through sales outlets, catalogs or the Internet, whether or not the seller has a physical presence in this state;

AND FURTHER AMEND by deleting subsection (c) of §68-211-1104 in Section 1 and by substituting instead the following new language:

(c) No manufacturer shall sell or offer for sale any covered device in this state unless the manufacturer has a recovery plan that enables the consumer to recycle products labeled with the manufacturer's brands without paying a separate fee for recycling.

AND FURTHER AMEND by deleting subdivision (d)(1) of §68-211-1104 in Section 1 and by substituting instead the following new language:

(1) The recovery plan must offer covered device collection services that are reasonably convenient and available to consumers in the state.

AND FURTHER AMEND by deleting subsection (e) of §68-211-1104 in Section 1 and by substituting instead the following new language:

(e) Manufacturers must offer collection under their recovery plan with no separate recycling fees charged to the consumer.